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Paper No. 14

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DIRECTOR OFFICE  
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In re Application of: Damien L. Hankejh et al. )  
Application No. 09/326,258 )  
Filed: June 4, 1999 )  
For: REAL TIME INTERNET )  
COMMUNICATIONS SYSTEM )

DECISION ON PETITION TO  
MAKE SPECIAL UNDER  
M.P.E.P. §708.02(II):  
INFRINGEMENT

This is a decision on the petition, filed March 13, 2000, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. §1.117(i) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a *rigid comparison* of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are **unquestionably infringed**; and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant must provide one copy of each of the *references deemed most closely related* to the subject matter encompassed by the claims.

Applicant's submission is deficient for the following reasons: (1) there is no statement that a *rigid* comparison was made or that a claim is **unquestionably** infringed as required in (B) above and (2) because no references have been submitted. Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

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